

FINAL

**THIRD TAXING DISTRICT
REGULAR MEETING
MAY 15, 2006**

PRESENT: David Brown, Chairman, Paul Coggin, Timothy Plunkett

STAFF: George Leary, General Manager; Ron Scofield, Treasurer,
Attorney Simon Sumberg, District Counsel.

OTHERS: Paul LeCarre, Lamar Advertising General Manager ; Jack Cansolvas,
Lamar
Advertising Real Estate Manager

CALL TO ORDER

Mr. Brown called the meeting to order at 7:04 p.m. As Attorney Sumberg had not yet arrived, Mr. Brown suggested that the Commission temporarily skip the Public Comment item and move to approval of the minutes. This was agreeable to all.

2. APPROVAL OF THE MINUTES OF 3/20, 4/4, & 4/17

Attorney Sumberg arrived at 7:05 p.m.

March 20, 2006

Please make the following corrections:

Page 1, paragraph 9: please change the following sentence from "Mr. Coggin replied that Ms. Lindstrom and Ms. Page were directly involved in the issue and that the Commissioners would most likely allow them to comment during the discussion." to "Mr. Coggin replied because Ms. Lindstrom and Ms. Page were directly involved in the issue he believed the Commission would most likely allow them to comment during the discussion."

Page 1, paragraph 10: please change the following from "Mr. Brown replied that Mr. Coggin had made some changes" to from "Mr. Brown replied that Mr. Coggin had proposed some changes".

Page 2, paragraph 2, : please change: "ENNA" to "East Norwalk Improvement Association (ENIA)".

Page 5, paragraph 11, please change the following; "reimbursement policies both Mr. Coggin and Mr. Plunkett" to "reimbursement policies initiated by Mr. Brown, both Mr. Coggin and Mr. Plunkett"

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Page 6, paragraph 1: please change: "Office supplies would be" to "For example, office supplies would be".

**** MR. BROWN MOVED TO APPROVE THE MINUTES OF MARCH 20, 2006 AS CORRECTED.**

**** MR. PLUNKETT SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

April 4, 2006

Please make the following corrections:

Page 1, footer; The date should be changed to April 4, 2006.

Page 1, OTHERS: remove the comma after Mr. Woolcott's name.

A brief discussion followed on the fact that there was no motion in the minutes showing when the Commissioners entered into Executive Session. Because the details need to be verified, it was decided to table the minutes at this time.

**** MR. COGGIN MOVED TO TABLE THE MINUTES OF APRIL 4, 2006 FOR FURTHER CORRECTIONS UNTIL THE JUNE 19TH MEETING.**

**** MR. PLUNKETT SECONDED.**

**** THE MOTION WAS UNANIMOUS.**

April 17, 2006

Please make the following corrections:

Page 2, paragraph 2 and throughout the document: please change "Mr. O'Boy" to "Mr. Oman".

Page 3, paragraph 3, line 4: please change the following from "was factually correct or if there was a reason," to "was factually in correct and there was a reason,"

**** MR. BROWN MOVED TO APPROVE THE MINUTES OF APRIL 17, 2006 AS CORRECTED.**

**** MR. PLUNKETT SECONDED.**

**** THE MOTION PASSED WITH TWO IN FAVOR (BROWN AND PLUNKETT) AND ONE ABSTENTION (COGGIN).**

1. PUBLIC COMMENT

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Mr. LeCarre, the General Manager for Lamar Advertising, stated that he had spoken with some of the Commissioners last year and that there has been discussion between the Commissioners about the subject. He also said that Lamar's actions had been misrepresented by others. Mr. LeCarre referred to the meetings held on February 5th and March 20th. He also stated that he had reviewed the history of the situation from Lamar's perspective and stated that he had met with Mr. Coggin over a year ago. At that meeting, Mr. LeCarre stated that he had expressed several options and compromises that were balanced. These were rejected. Mr. LeCarre stated that the billboards are very important to Lamar and hoped that the Commission and Lamar would be able to come to a resolution on this issue. In previous meetings, Mr. LeCarre stated that others had stated Lamar applied pressure. He stated that the company did not apply pressure but had offered some very viable solutions. Mr. LeCarre stated that originally, there had been some concerns about the unkempt land around the billboards. The land actually belongs to Metro North (MTA), but the debris was voluntarily cleaned up by Lamar, painted the neighbors fences as an olive branch and a courtesy. Once that issue was settled, the next issue was that the area was a historic area. Lamar then offered to change the billboards and the light fixtures to enhance the area. Lamar also offered to put signage on the trestle because concerns were expressed regarding the way the trestle looked, along with opportunities for the township to utilize the billboard during the holiday season. Mr. LeCarre reiterated that there was no pressure applied by Lamar. When these offers were rejected, Lamar then began to investigate litigation. Mr. LeCarre also pointed out that there was established use on that property since the 1950's and that technically the MTA is not subject to local zoning laws. If Lamar's billboard are removed, the MTA can re-establish billboards in that area without the approval of the Third Taxing District. Mr. LeCarre also stated that Lamar donates between ten to twenty thousand dollars to the Oyster Festival every year. Mr. LeCarre stated that the Taxing District should be careful what they wish for because they might not get what they want.

Mr. Cansolvas stated that at the July 26th, 2005 meeting, Mr. Leary has been instructed by then Attorney Dennen to draft a letter to Ms. Fennick requesting that no changes be made to the billboard until at least August 15th regular meeting. Mr. Cansolvas stated that since then, Lamar has tried to work with the Commission and believes that the Commission has acted beyond the scope of its authority. He stated that litigation was the last thing that Lamar wished to engage in but stated that it needed to be very clear that the Commission has interfered with the contractual agreement between Lamar and Viacom Outdoor, which is now CBS Outdoor and Metro North. He stated that he hoped that there could be a mutual understanding between Lamar and the Commission. He reiterated that the billboards have been there since the 1950s and that Lamar has done nothing illegal. There are no zoning issues or violations. He reiterated that Lamar has cleaned up the area as a courtesy. There was a lot of history here.

Attorney Sumberg asked if the Lamar representatives would be receptive to some questions. When they agreed, Attorney Sumberg asked if they were represented by a

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lawyer at the meeting. Upon their answer of no, Attorney Sumberg declined to ask any further questions.

Mr. Brown stated that this was the first time that the Commission had had to speak with them. Mr. Coggin stated that when people who lived outside the district spoke during the Public Comment session, the District requested that they state where their residences were located for the record. Mr. LeCarre stated that he lived in Cheshire and Mr. Cansolvas stated that he lived in Trumbull.

3. EMPLOYEE MATTERS - EXECUTIVE SESSION

4. BILLBOARDS - EXECUTIVE SESSION

**** MR. BROWN MOVED TO ENTER INTO EXECUTIVE SESSION TO DISCUSS BOTH THE EMPLOYMENT MATTERS AND THE ISSUE REGARDING THE BILLBOARDS AT THE EAST NORWALK RAILROAD TRESTLE.**

**** MR. COGGIN SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

The Commissioners, Mr. Leary, Mr. Scofield and Attorney Sumberg entered into Executive Session at 7:24 p.m. to discuss employment disability matters and the issue of the billboards located at the East Norwalk Railroad trestle.

**** MR. BROWN MOVED TO ENTER INTO PUBLIC SESSION AT 8:30 P.M.**

**** MR. COGGIN SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

The Commissioners, Mr. Leary, Mr. Scofield and Attorney Sumberg reconvened into Public Session at 8:30 p.m.

Regarding the issues of employment disability, Mr. Brown directed Mr. Leary to write a letter to Mr. Chris Hodgeson regarding the disability issues as discussed.

Regarding the issue of the billboards located at the East Norwalk Railroad trestle, the following motion was made.

**** MR. BROWN MOVED TO DIRECT ATTORNEY SUMBERG TO WRITE A LETTER TO THE MTA REGARDING THE POSITION OF THE THIRD TAXING DISTRICT AS DISCUSSED IN EXECUTIVE SESSION.**

**** MR. PLUNKETT SECONDED THE MOTION.**

**** THE MOTION PASSED WITH TWO IN FAVOR (COGGIN AND PLUNKETT) AND ONE OPPOSED (BROWN).**

5. JUNK POLE DISPOSAL

Mr. Leary informed the Commissioners that there were ten telephone poles that needed to be disposed of because they had been improperly treated. There was a discussion regarding giving them to the Civil Air Patrol, of which, Mr. Coggin stated, he is a member. Concerns regarding liability and transportation were then discussed.

**** MR. PLUNKETT MOVED TO AUTHORIZE MR. LEARY TO DISPOSE OF THE POLES IN THE BEST POSSIBLE MANNER.**

Attorney Sumberg suggested that the wording be amended to "dispose of properly". Mr. Plunkett agreed to amend his original motion.

**** MR. PLUNKETT AMENDED HIS MOTION FROM "AUTHORIZE MR. LEARY TO DISPOSE OF THE POLES IN THE BEST POSSIBLE MANNER" TO "AUTHORIZE MR. LEARY TO DISPOSE OF THE POLES PROPERLY".**

**** MR. COGGIN SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

6. 2005-2006 AUDIT

Mr. Leary reviewed the proposal to retain Hope and Hernandez, P.C., as the Third Taxing District's auditors.

**** MR. BROWN MOVED TO ACCEPT THE HOPE AND HERNANDEZ, P.C. ENGAGEMENT LETTER DATED APRIL 17, 2006 WITH A FEE OF \$17,500 TO CONDUCT THE 2006 AUDIT FOR THE THIRD TAXING DISTRICT.**

**** MR. COGGIN SECONDED.**

Mr. Coggin stated that the audit report last year was late and that there were several typos in the document.

**** THE MOTION PASSED UNANIMOUSLY.**

7. MEMORIAL DAY PARADE PARTICIPATION

Mr. Brown reviewed the events and discussions that he had with Mr. Rooney regarding the Third Taxing District's participation in the Memorial Day Parade. Following some discussion on the details, it was decided that the Third Taxing District would participate.

**** MR. BROWN MOVED TO OFFER TWO (2) VEHICLES - ONE RACK BODY TRUCK WITHOUT THE RACKS AND ONE METER TRUCK WITH**

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**APPROPRIATE SIGNAGE TO MR. ROONEY FOR USAGE IN THE
MEMORIAL DAY PARADE. THE COST IS NOT TO EXCEED \$2,500.00.**

**** MR. COGGIN SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

8. CONCERT SCHEDULING

Mr. Brown reviewed the issues and concerns regarding the Third Taxing District's sponsorship of some concerts that take place at the Gazebo on the Green. Recently, there has been some difficulty with the scheduling of the Gazebo with the First Taxing District. Following some discussion, it was decided that Mr. Leary will forward all the correspondence directed to the Commissioners to all the Commissioners.

RECESS

Mr. Brown declared a recess at 9:39 p.m. The meeting reconvened at 9:45 p.m.

9. GENERAL MANAGER'S REPORT & OPERATING REPORTS

Mr. Leary reviewed his reports for the Commissioners.

10. BUCKET TRUCK PURCHASE

Mr. Leary reviewed the bids for a new bucket truck to replace the 1989 truck.

**** MR. BROWN MOVED TO APPROVE THE PURCHASE OF A FORD F-750 TRUCK WITH A VERSALIFT INSULATED ARTICULATED AERIAL DEVICE AND STAINLESS STEEL UTILITY BODY FROM INTERSTATE TRUCK SALES, INC. OF HARTFORD AT A BASE PRICE OF \$134,229 NET OF TRADE WITH A BUDGET OF \$10,000 FOR FIELD MODIFICATIONS AND OUTFITTING.**

Following a brief discussion, Mr. Brown stated he wished to amend his motion.

**** MR. BROWN MOVED TO AMEND HIS ORIGINAL MOTION FROM "APPROVE THE PURCHASE OF A FORD F-750 TRUCK WITH A VERSALIFT INSULATED ARTICULATED AERIAL DEVICE AND STAINLESS STEEL UTILITY BODY FROM INTERSTATE TRUCK SALES, INC. OF HARTFORD AT A BASE PRICE OF \$134,229 NET OF TRADE WITH A BUDGET OF \$10,000 FOR FIELD MODIFICATIONS AND OUTFITTING" TO "APPROVE THE PURCHASE OF A FORD F-750 TRUCK WITH A VERSALIFT INSULATED ARTICULATED AERIAL DEVICE AND STAINLESS STEEL UTILITY BODY FROM INTERSTATE TRUCK SALES, INC. OF HARTFORD AT A BASE**

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PRICE OF \$134,229 NET OF TRADE WITH A BUDGET OF \$10,000 FOR FIELD MODIFICATIONS AND OUTFITTING NOT TO EXCEED \$144,229.00."

**** MR. COGGIN SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

11. METER TEST SET PURCHASE

Mr. Leary stated that this proposed purchase was atypical in that he was recommending that the Commission not purchase the equipment offered by the lowest bidder, who is a relatively new manufacturer in the field. The Radian Research equipment has many favorable reviews and it is used by UI, SNEW and the Town of Wallingford.

**** MR. BROWN MOVED TO APPROVE THE PURCHASE OF A MODEL 5800 THREE PHASE TEST SET FROM RADIAN RESEARCH, INC. AT A PRICE OF \$30,765.00.**

**** MR. PLUNKETT SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

12. DIESEL FUEL PURCHASE

Mr. Leary stated that this was the first time that he had to purchase diesel fuel and that the price changes daily. A price may be quoted on the day the fuel is ordered, but then when the fuel is delivered, the price may be higher or lower, as the market dictates on the day of delivery. Since the "Policy Regarding Purchase and Quotations" requires that Mr. Leary come to the Commission for purchases over \$5,000, this presents a difficulty. Following a brief discussion, Mr. Coggin suggested amending the "Policy Regarding Purchase and Quotations".

**** MR. COGGIN MOVED TO AMEND ITEM 10 IN THE "POLICY REGARDING PURCHASE AND QUOTATIONS" TO INCLUDE "GASOLINE / DIESEL FUEL - (THREE VERBAL QUOTES UP TO \$10,000).**

**** MR. PLUNKETT SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

Mr. Leary explained that a bid for the Taxing District's digger truck had come in after the publication of the agenda.

**** MR. BROWN MOVED TO SUSPEND THE RULES TO ADD AN ITEM REGARDING THE PURCHASE OF THE THIRD TAXING DISTRICT'S DIGGER TRUCK TO THE AGENDA.**

**** MR. PLUNKETT SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

13. SALE OF THE DIGGER TRUCK

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Mr. Leary reviewed the details of the bid that was received for the Commissioners.

**** MR. COGGIN MOVED TO HAVE MR. LEARY WORK OUT THE DETAILS OF THE SALE WITH ATTORNEY SUMBERG TO INCLUDE THE STATEMENT THAT THE DIGGER TRUCK IS "AS IS" AND THERE IS NO IMPLIED WARRANTY.**

**** MR. PLUNKETT SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

**** MR. COGGIN MOVED TO ACCEPT THE RECOMMENDATION OF THE GENERAL MANAGER TO SELL THE OLD DIGGER TRUCK TO THE ONLY BIDDER FOR THE SUM OF \$4,500.**

**** MR. PLUNKETT SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

14. PENSION PLAN RESTATEMENT

**** MR. COGGIN MOVED TO ACCEPT THE PENSION PLAN AS DISCUSSED ON APRIL 4TH CONTINGENT ON THE CONDITION THAT GENERAL MANAGER LEARY HAS INSPECTED THE DOCUMENT TO CONFIRM THAT ALL THE RED LINE CHANGES HAVE BEEN MADE FROM THE APRIL 4TH MEETING.**

**** MR. PLUNKETT SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

**** MR. BROWN MOVED TO TABLE THE REMAINING AGENDA ITEMS:**

15. LINE CREW STAFFING

16. MEETING PROCEDURE

17. GENERAL MANAGER REVIEW

18. ELECTRIC DEPARTMENT PAMPHLET

19. WEB SITE IMPROVEMENT

20. UTILITY POLE BANNERS

21. NEWSLETTER POLICY

22. FIREHOUSE LEASE UPDATE

23. PROJECT MANAGER UPDATE, AND

24. OFFICE RENOVATION STUDY

TO THE JUNE 19TH MEETING AGENDA.

**** MR. PLUNKETT SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

25. ADJOURNMENT

**** MR. PLUNKETT MOVED TO ADJOURN.**

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**** MR. COGGIN SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

The meeting adjourned at 10:18 p.m.

Respectfully submitted,

Sharon L. Soltes
Telesco Secretarial Services